UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

C.A. NO.: 04-CV-12253MLW

STEVEN MCDERMOTT and STACEY MCDERMOTT, Plaintiffs V. FEDEX GROUND PACKAGE SYSTEMS, INC.,) T.S. PRUITT, ALLEGIANCE HEALTHCARE) INC., D. PONCE, E.W. WYLIE CORPORATION, D.W. SMITH, ARSENBERGER TRUCKING, INC., J.T. FOSBRINK, RYDER TRUCK RENTAL,) LORRAINE ODZANA as ADMINISTRATRIX OF THE ESTATE OF JAMES J. ODZANA, SHORELINE TRANSPORTATION, INC., JACYLYN PALETTA as ADMINISTRATRIX OF THE ESTATE OF MARIO J. CASTRO, Defendants

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 16.1(D) (3)

I, Kevin M. Riordan, and I, Bob Lunneborg, certify that we have conferred with a view to establishing a budget for the costs of conducting the full course — and various alternative courses of litigation and we have considered the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4.

Filed 07/10/2007 Page 2 of 2

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